



13(b), and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 53(b) and 57b,  
and Section 7(a) of the Controlling the Assault of Non-Solicited Pornography and Marketing Act  
of 2002 ("CAN SPAM Act"), 15 U.S.C. § 7706(a), and having moved for summary judgment.

their ill-gotten gains to consumers injured by their unlawful practices if not restrained from doing so by this Court;

5. There is good cause for the Court to order an asset freeze of Defendants' assets.

Defendants have engaged in a widespread effort to take money from consumers based on false and

personal property of any Defendant, or held for the benefit of any Defendant, including, but not limited to "goods" "instruments" "equipment" "fixtures" "personal automobiles" "instruments"

or services.

7. "Initiate," when used with respect to a commercial e-mail message, means to originate or transmit such message or to procure the origination or transmission of such message;

8. "Procure," when used with respect to the initiation of a commercial e-mail message

means intentionally to pay or provide other consideration to, or induce, another person to initiate

9. "Protected computer," when used with respect to the initiation of a commercial e-mail

including, but not limited to, furnishing advertising circulars or letters that contain false and misleading representations;

F. Misrepresentation. [Redacted]

[The remainder of the document is almost entirely redacted with thick black horizontal bars.]

owned or controlled, directly or indirectly, by any Corporate Defendant or any Individual Defendant in whole or in part; (2) in the actual or constructive possession of any Corporate Defendant or any Individual Defendant; or (3) owned, controlled by, or in the actual or constructive possession of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any



affected by this Paragraph.

**IV.  
DUTIES OF ASSET HOLDERS**

**IT IS FURTHER ORDERED**, pending the determination of Plaintiff's request for a preliminary injunction, that any of the entities named in Section III. A above, maintaining or having custody or control of any account or other asset of any Defendant, or any corporation, partnership,

or any other entity, which is controlled by or under common control

with any Defendant, or that at any time since January 2003, has maintained or had custody of any such account or other asset, and which is served with a copy of this Order, or otherwise has actual

control;

2. The balance of each such account, or a description and appraisal of the value of such asset, as of the time this Order is served, and, if the account or other asset has been closed or removed since January 2003, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted;

and

3. The identification and location of any safe deposit box or storage facility that is either titled in the name individually or jointly, of any Defendant, or is otherwise subject to access or control by any Defendant; and

D. Upon request by counsel for the Plaintiff, promptly provide the Commission with copies of all records or other documentation pertaining to such account or asset, including, but not

including, but not limited to, account applications, account statements, signature cards, checks

outside of the territory of the United States of America and are held by or for any Defendant or are under any Defendant's direct or indirect control, jointly, severally, or individually. Defendants shall attach to these completed financial statements copies of all state and federal income tax returns.

returns, with attachments and schedules, as called for by the financial statements. Within ten (10) days of any material change in the information contained in any financial statement required above, or any other material change to the financial condition of any Defendant, such Defendant shall make a sworn amendment to the financial statement to reflect such change.

**VI.  
CONSUMER CREDIT REPORTS**

any Defendant; or (3) under any Defendant's direct or indirect control, whether jointly or singly;

C. Hold and retain all repatriated funds, documents, and assets, and prevent any transfer, disposition, or dissipation whatsoever of any funds or assets, except as required by this Order; and

D. Provide the Commission access to all records of funds, documents, or assets of any Defendant held by financial institutions or other entities or individuals located outside the United

Attachment C.

**VIII.  
INTERFERENCE WITH REPATRIATION**

IT IS FURTHER ORDERED that the Defendant shall

IX.  
RECORD KEEPING PROVISIONS

IT IS ~~THE ORDERED~~ Defendants and any entity through which they do business,

~~including~~ officers, agents, servants, employees, and those other persons in active

concert or participation with them who receive actual notice of this Order by personal service or  
~~otherwise~~, are hereby restrained and enjoined from:

A. Destroying, erasing, mutilating, concealing, altering, transferring, or otherwise

~~in any manner any;~~ books, records, audio or video tape recordings, computer tapes

XI.  
NOTICE OF THE ORDER

IT IS FURTHER ORDERED that Defendants shall immediately provide

Order to each of their corporations, subsidiaries, affiliates, directors, officers, employees, agents, and

Counsel for the Commission, at the Federal Trade Commission, 225 Peachtree Street, N. E., Suite 1500, Atlanta, Georgia 30303, facsimile number (404) 656-1379;

E. Any party who desires to present live testimony at the preliminary injunction hearing

on Wednesday, February 16, 2005, a witness list that shall include the name, address, and telephone number of any such witness, and either a summary of, or the witness' declaration revealing the substance of, such witness' expected testimony.

**XIII.  
PRELIMINARY INJUNCTION HEARING**

XV.  
COURT'S RETENTION OF JURISDICTION

purposes.

SO ORDERED, this 11<sup>B</sup> day of February, 2005, at this hour of 8:47 A.M.

  
PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE